UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:93-cr-00264-MOC

| UNITED STATES OF AMERICA, |) | |
|---------------------------|---|-------|
| |) | |
| |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| WILLIE DAVID BROWN, |) | |
| |) | |
| Defendant(s). |) | |
| | | |

THIS MATTER is before the court on defendant's letter to the court dated March 4, 2016, captioned "Attention Clerks" (#238). In that writing, defendant asks that the 35 pages he has submitted not be filed because they contain materials from the Presentence Report. As courts cannot consider matters that are not filed, the court has deemed such request to be a motion to seal and finding that the submission does contain references to guideline calculations that were contained in a confidential Presentence Report, see Fed.R.Crim.P. 32, the court will seal those materials at least for now with access limited to defendant and the government.

Turning to the substance of such filing, it appears that defendant's "Letter to Judge Voorhees," which begins at page two of the filing, calls into question this court's December 11, 2015, Order (#235) denying petitioner relief under Amendment 782. In that letter, defendant takes issue with the United States Probation Office's guidelines calculation in its Supplemental Presentence Report. Reading such pleadings in a light most favorable to defendant, it appears that he is asking the court to reconsider its Order (#235) based on an alleged mathematical mistake by the United States Probation Office.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Seal is GRANTED, and the pleading (#238) is SEALED with access limited to the defendant and the government. The letter of defendant (#238 at 2-4), is DEEMED to be a Motion to Reconsider, and the government shall file a Response within 14 days.

Signed: March 10, 2016

Max O. Cogburn Jr United States District Judge